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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

PETER J. BIBBY

VS.

DAVID PETRUCCI, CITY OF PROVIDENCE,  
PROVIDENCE POLICE DEPARTMENT,  
JANE AND JOHN DOE, ET AL

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C.A. NO. 07-463-S

**DEFENDANTS' RESPONSE TO PLAINTIFF'S OBJECTION  
REGARDING REPORT AND RECOMMENDATION OF U.S. MAGISTRATE JUDGE**

In response to the plaintiff's objection to the Report and Recommendation of U.S. Magistrate Judge Jacob Hagopian, that the plaintiff's complaint be dismissed in its entirety, your defendants note the following.

The only objection raised by the plaintiff relates to the statute of limitations issue. Therefore, for that reason alone, all of the other recommendations and findings by the U.S. Magistrate Judge should be sustained.

As to the statute of limitations issue, the plaintiff raises no new arguments. Indeed, he seems to seal his fate by highlighting the untimeliness of this **FEDERAL COURT** complaint by seeking an excusal from the statute of limitations due to an alleged failure of the state Superior Court to docket an earlier filing by the plaintiff and an alleged mishandling of the plaintiff's criminal case by his criminal defense lawyer. Such matters, regardless of their merits, are immaterial to the matter at hand and form no basis to reverse and/or modify the U.S. Magistrate's Report and Recommendation.

DEFENDANT, David Petrucci,  
By his Attorney,

/s/ Michael J. Colucci  
Michael J. Colucci, Esq. #3302  
OLENN & PENZA, LLP  
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Warwick, RI 02886  
PHONE: (401) 737-3700  
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DEFENDANT, City of Providence and  
Providence Police Department,  
By their Attorney,

/s/ Kevin McHugh  
Kevin McHugh, Esq. #3927  
Senior Assistant City Solicitor  
City of Providence Department of Law  
275 Westminster Street  
Providence, RI 02903  
PHONE: (401) 421-7740 ext. 333  
FAX: (401) 351-7596

**CERTIFICATION**

I hereby certify that I have filed the within with the United States District Court on this 21<sup>st</sup> day of July, 2009, and that a copy is available for viewing and downloading via the ECF system and that I have caused a copy to be sent to:

Kevin F. McHugh, Esq.  
City Solicitor's Office  
275 Westminster Street, Suite 200  
Providence, RI 02903-1845

/s/ Michael J. Colucci

**CERTIFICATION**

I certify that I sent a true copy of the within on 7/21/09 to:

Peter J. Bibby, Pro Se  
PO Box 20983  
Medium Donald Price Facility  
Cranston, RI 02920

/s/ Michael J. Colucci